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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,807	02/23/2004	Scott R. Johnson	008608-028	5459
21839	7590	04/18/2005	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			NGUYEN, ANTHONY H	
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ALEXANDRIA, VA 22313-1404			PAPER NUMBER	

2854

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/782,807	Applicant(s) JOHNSON ET AL.	
	Examiner Anthony H. Nguyen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-24 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 9 and 11- 24 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Garner et al. (US 5,562,031) in view of Eltner et al. (US 6,546,869).

With respect to claims 1 and 15, Garner et al. teaches a printing press having a plate cylinder 13 which is rotated by a press drive or motor 61 (Garner et al, Fig.3), a roller 17a for applying ink to the plate cylinder, a controller 65 for controlling the motor 6, a speed sensor 63 for sensing the speed of the plate cylinder as shown in Figs.1, 3 and 5 of Garner et al. Garner et al. does not teach the variable speed servo motor separate from the press drive and coupled to the form roller. Eltner et al. teaches the variable speed servo motor or drive 43 coupled to the form roller 23 for regulating the speed between the form roller and the printing form cylinder 8 (Eltner et al., Fig.2 and col.9, third paragraph). In view of the teaching of Eltner et al., it would have been obvious to one of ordinary skill in the art to modify the printing press of Garner et al. by providing the variable speed servo motor or drive as taught by Eltner et al. for ensuring optimal print quality. With respect to claims 6,7, 16 and 17, the use of the belt drive, a toothed belt drive, a chain drive, telescoping shaft drive or a gear drive for driving the ink applying roller with a motor is well known in the art. With respect to claims 9 and 20-22, the selection of a desired relative surface speed between the form roller and the

plate cylinder would be obvious through routine experimentation in order to get best possible print quality. With respect to claims 19 and 24, the combination of Garner et al. and Eltner et al. render obvious the steps as recited including the steps of applying a torque to the form roller with the servo motor and applying dynamic braking action since the speed of the form roller can be increased or decreased by the drive or motor of Eltner et al. Note that the torque must be applied from the motor to move or turn the shaft of a roller to obtain a desired speed.

Response to Arguments

Applicants' arguments filed on January 19, 2005 have been fully considered but they are not persuasive of any error in the above rejections.

Applicant argues that the the combination Garner et al. and Eltner et al. does not teach the variable speed servo motor separate from the main drive which is directly coupled to the first form roller and that there is no teaching in Garner et al. or Eltner et al. for removing foreign particles as recited in claims 1, 5, 9 and 13.

However, as explained above, Eltner et al. teaches the variable speed drive or servo motor coupled to the form roller for regulating the speed between the form roller and the printing form cylinder 8 (Eltner et al., Fig.2 and col.9, third paragraph). The variable speed drive drives independently from the main drive or motor 12 as shown in Fig.2 of Eltner et al. The combination of Garner et al. and Eltner et al. teaches all the elements as recited in claim 1 so as to remove the foreign particles and therefore renders obvious the structure as recited in claim 1.

With respect to claim 5, since Garner et al. and Eltner et al. teaches structure as recited in claim 1, one of skill in the art would have been retrofitted an existing press for removing foreign particles from the rotary press.

Applicant argues that Garner et al. and Eltner et al. does not teach the range of selection of differential surface speed differentials as recited in claims 9,13 and 14.

Note that Eltner et al. teaches that the drive 43 can be set or changed from a "differential speed" which is the peripheral speed that is different from the printing form cylinder 8 to "synchronous speed" operating mode and in reverse (Eltner et al., col.9 lines 37-54) and that the speed can be input or programmed. Clearly, Garner et al. and Eltner et al. render obvious the range of relative speed selectable for printing operation as recited in claims 9,13 and 14.

Applicant argues that Garner et al. and Eltner et al. do not teach the variable speed servo motor for selectively applying a braking force to the ink applying roller and than maintaining a selected surface speed differential as recited in claim 15.

However, the combination of Garner et al. and Eltner et al. render obvious claim 15 since Eltner et al. teaches the controller 14 which increases or decreases the speed of the roller and sets the roller in reverse mode. It is noted that as the speed of a roller is decreased by a drive or a motor, the motor is inherently applying a breaking force on the roller. Therefore, the use of a servo motor for selectively applying braking force to the ink roller is simply known and involves no apparent unobviouness.

Applicant argues that the combination of Garner et al. and Eltner et al. does not teach the variable speed dirve and the step of applying torque to the form roller based on the sense speeds to produce a speed differential between the form roller and

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the plate cylinder to remove foreign particles from the plate cylinder as recited in claim 19.

However, as explained above, the combination of Garner et al. and Eltner et al. renders obvious the steps as recited in the claim since Eltner et al. teaches the variable drive or motor which can increase or decrease the speed of a form roller, and that the applying torque to the form roller is inherently produced by the motor so as the speed of the roller can be increased or decreased so that the foreign particles can be removed from the surface of the rollers via a speed differential between the rollers.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

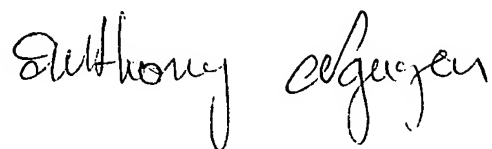
Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

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The fax phone number for this Group is (703) 872-9306.

A handwritten signature in black ink, reading "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen
4/15/055
Patent Examiner
Technology Center 2800